



## FY24 Community Project Federal Nexus Requirement Guide

### FEDERAL NEXUS:

As a requirement of the FY24 CPF process, all projects must have some sort of federal nexus. Please review the below accounts and corresponding U.S. code to ensure that your project falls within these authorized activities.

### Agricultural Research Service, Buildings and Facilities:

- *Projects that apply to this account must have a Federal nexus as laid out in [7 U.S. Code section 2250](#).*
  - Authorized activities include erecting buildings and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection, there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land: *Provided further*, That funds available to the Department of Agriculture shall be available for expenses in connection with acquiring the right to use land for such purposes under long-term lease or other agreement.

### Natural Resources Conservation Service, Conservation Operations:

- *Projects that apply to this account must have a Federal nexus as laid out in the Soil Conservation and Allotment Domestic Act of 1935, [16 U.S. Code sections 590a-590d and 590f-g](#).*
  - **590a:** The Secretary of Agriculture, shall coordinate and direct all activities with relation to soil erosion and is authorized, from time to time—
    - To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;
    - To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;
    - To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this chapter.
  - **590c:** Conservation planning technical assistance provided –



- (i) to beginning farmers or ranchers (as defined in section 1991(a) of title 7);
  - (ii) to limited resource farmers or ranchers (as defined by the Secretary);
  - (iii) to socially disadvantaged farmers or ranchers (as defined in section 2003(e) of title 7);
  - (iv) to qualify for an exemption from ineligibility under section 3812 of this title; or
  - (v) to comply with Federal, State, or local regulatory requirements.
  - As a condition to the extending of any benefits under this chapter to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may require agreements or covenants as to the permanent use of such lands.
- **590d:** Administering provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion.
  - **590f:** Production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock.
  - **590g:** Additional policies and purposes of chapter:
    - (1) preservation and improvement of soil and water quality and related resources;
    - (2) promotion of the economic use and conservation of land;
    - (3) diminution of exploitation and wasteful and unscientific use of national soil resources;
    - (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control;
    - (5) reestablishment, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909–July 1914, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio;
    - (6) prevention and abatement of agricultural-related pollution,
    - (7) the promotion of energy and water conservation through dry land farming. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities.

Rural Development, Rural Housing Service, Community Facility Grants:



- *Projects that apply to this account must have a Federal nexus as laid out in Section 306 of the Consolidated Farm and Rural Development Act, [7 U.S. Code section 1926\(a\)](#).*
  - The application or establishment of soil conservation practices, shifts in land use, the conservation, development, use, and control of water, and the installation or improvement of drainage or waste disposal facilities, recreational developments, and essential community facilities including necessary related equipment, all primarily serving farmers, ranchers, farm tenants, farm laborers, rural businesses, and other rural residents.
  - The installation or improvement of essential community facilities, including necessary related equipment.
  - The conservation, development, use, and control of water and the installation of drainage or waste disposal facilities, primarily serving farmers, ranchers, farm tenants, farm laborers, rural businesses, and other rural residents.

#### Rural Development, Rural Utilities Service, ReConnect Grants:

- *Projects that apply to this account must have a Federal nexus as laid out in section [779 of division A of the Consolidated Appropriations Act, 2018](#) (Public Law 115–141).*
  - At least 90 percent of the households to be served by a project receiving a loan or grant under the pilot program shall be in a rural area without sufficient access to broadband, defined for this pilot program as 10 Mbps downstream, and 1 Mbps upstream.
  - Recipients shall not use the grant to overbuild or duplicate broadband expansion efforts made by any entity that has received a broadband loan from the Rural Utilities Service:
  - That in addition to other available funds, not more than four percent of the funds can be used for administrative costs to carry out this program and up to three percent may be utilized for technical assistance and pre development planning activities to support the most rural communities.

#### Rural Development, Rural Utilities Service, Water and Waste Grants:

- *Projects that apply to this account must have a Federal nexus as laid out in section Section 306 of the Consolidated Farm and Rural Development Act, [7 U.S. Code section 1926\(a\)\(2\)](#).*
  - Projects for the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.
  - Predevelopment costs associated with proposed water and wastewater projects or with existing water and wastewater systems; and
  - Short-term costs incurred for replacement equipment, small-scale extension services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

#### Rural Development, Rural Utilities Service, Distance Learning and Telemedicine Grants:

- *Projects that apply to this account must have a Federal nexus as laid out in Section 2331 of the Food, Agriculture, Conservation, and Trade Act of 1990, [7 U.S. Code section 950aaa](#).*
  - The purpose of this chapter is to encourage and improve telemedicine services and distance learning services in rural areas using telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents.



## NIST Scientific & Technical Research:

- *Projects that apply to this account must be for activities consistent with and supportive of NIST's mission and aligned with one or more of the functions and activities described in section [272 of title 15, United States Code](#).*
  - Assist industry in the development of technology and procedures needed to improve quality, to modernize manufacturing processes, to ensure product reliability, manufacturability, functionality, and cost-effectiveness, and to facilitate the more rapid commercialization, especially by small- and medium-sized companies throughout the United States, of products based on new scientific discoveries in fields such as automation, electronics, advanced materials, biotechnology, and optical technologies;
  - To develop, maintain, and retain custody of the national standards of measurement and provide the means and methods for making measurements consistent with those standards;
  - To facilitate standards-related information sharing and cooperation between Federal agencies and to coordinate the use by Federal agencies of private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations;
  - To enter into and perform such contracts, including cooperative research and development arrangements and grants and cooperative agreements or other transactions, as may be necessary in the conduct of its work and on such terms as it may determine appropriate, in furtherance of the purposes of this chapter;
  - To provide United States industry, Government, and educational institutions with a national clearinghouse of current information, techniques, and advice for the achievement of higher quality and productivity based on current domestic and international scientific and technical development;
  - To assist industry in the development of measurements, measurement methods, and basic measurement technology;
  - To determine, compile, evaluate, and disseminate physical constants and the properties and performance of conventional and advanced materials when they are important to science, engineering, manufacturing, education, commerce, and industry and are not available with sufficient accuracy elsewhere;
  - To develop a fundamental basis and methods for testing materials, mechanisms, structures, equipment, and systems, including those used by the Federal Government;
  - To assure the compatibility of United States national measurement standards with those of other nations;
  - To cooperate with other departments and agencies of the Federal Government, with industry, with State and local governments, with the governments of other nations and international organizations, and with private organizations in establishing standard practices, codes, specifications, and voluntary consensus standards;
  - To advise government and industry on scientific and technical problems; to invent, develop, and (when appropriate) promote transfer to the private sector of measurement devices to serve special national needs; and
  - To coordinate technical standards activities and conformity assessment activities of Federal, State, and local governments with private sector technical standards activities and conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.



- Construct physical standards; test, calibrate, and certify standards and standard measuring apparatus; study and improve instruments, measurement methods, and industrial process control and quality assurance techniques; cooperate with the States in securing uniformity in weights and measures laws and methods of inspection; cooperate with foreign scientific and technical institutions to understand technological developments in other countries better; prepare, certify, and sell standard reference materials for use in ensuring the accuracy of chemical analyses and measurements of physical and other properties of materials;
- Accept research associates, cash donations, and donated equipment from industry, and also engage with industry in research to develop new basic and generic technologies for traditional and new products and for improved production and manufacturing;
- Study and develop fundamental scientific understanding and improved measurement, analysis, synthesis, processing, and fabrication methods for chemical substances and compounds, ferrous and nonferrous metals, and all traditional and advanced materials, including processes of degradation;
- Investigate ionizing and nonionizing radiation and radioactive substances, their uses, and ways to protect people, structures, and equipment from their harmful effects;
- Determine the atomic and molecular structure of matter, through analysis of spectra and other methods, to provide a basis for predicting chemical and physical structures and reactions and for designing new materials and chemical substances, including biologically active macromolecules;
- Perform research on electromagnetic waves, including optical waves, and on properties and performance of electrical, electronic, and electromagnetic devices and systems and their essential materials, develop and maintain related standards, and disseminate standard signals through broadcast and other means;
- Develop and test standard interfaces, communication protocols, and data structures for computer and related telecommunications systems;
- Study computer systems (as that term is defined in [section 278g–3\(d\) \[2\]](#) of this title) and their use to control machinery and processes;
- Perform research to develop standards and test methods to advance the effective use of computers and related systems and to protect the information stored, processed, and transmitted by such systems and to provide advice in support of policies affecting Federal computer and related telecommunications systems;
- Support information security measures for the development and lifecycle of software and the software supply chain, including development of voluntary, consensus-based technical standards, best practices, frameworks, methodologies, procedures, processes, and software engineering toolkits and configurations;
- Support information security measures, including voluntary, consensus-based technical standards, best practices, and guidelines, for the design, adoption, and deployment of cloud computing services;
- Support research, development, and practical application to improve the usability of cybersecurity processes and technologies;
- Facilitate and support the development of a voluntary, consensus-based set of technical standards, guidelines, best practices, methodologies, procedures, and processes to improve privacy protections in systems, technologies, and processes used by both the public and private sector;



- Support privacy measures, including voluntary, consensus-based technical standards, best practices, guidelines, metrology, and testbeds for the design, adoption, and deployment of privacy enhancing technologies;
- Perform research to support the development of voluntary, consensus-based, industry-led standards and recommendations on the security of computers, computer networks, and computer data storage used in election systems to ensure voters can vote securely and privately;
- Determine properties of building materials and structural elements, and encourage their standardization and most effective use, including investigation of fire-resisting properties of building materials and conditions under which they may be most efficiently used, and the standardization of types of appliances for fire prevention;
- Undertake such research in engineering, pure and applied mathematics, statistics, computer science, materials science, and the physical sciences;
- Compile, evaluate, publish, and otherwise disseminate general, specific and technical data resulting from the performance of the functions specified in this section or from other sources when such data are important to science, engineering, or industry, or to the general public, and are not available elsewhere;
- Collect, create, analyze, and maintain specimens of scientific value.

### NOAA Coastal Zone Management:

- *Projects that apply to this account must be for activities consistent with and supportive of NOAA's mission and aligned with one or more of the functions and activities described in the Coastal Zone Management Act of 1972 ([16 U.S.C. § 1451 et seq.](#)).*
  - Effective management, beneficial use, protection, and development of the coastal zone.
  - Developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.
  - Projects with the objective of attaining a greater degree of energy self-sufficiency from new or expanded energy activity in or affecting the coastal zone.
  - Efforts to control coastal water pollution from land use activities.
  - Anticipate and plan for substantial sea level rise with serious adverse effects in the coastal zone.

### Byrne Justice:

- *Projects that apply to this account must be for activities consistent with, and supportive of, the Office of Justice Programs' mission and aligned with one or more of the purposes described in the Byrne Justice Assistance Grants (JAG) program, section 501 of the Omnibus Crime Control and Safe Streets Act of 1968 ([34 U.S.C. § 10152](#)).*
  - Eligible activities include providing additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice or civil proceedings, including for any one or more of the following programs:
    - (A) Law enforcement programs.
    - (B) Prosecution and court programs.
    - (C) Prevention and education programs.
    - (D) Corrections and community corrections programs.
    - (E) Drug treatment and enforcement programs.
    - (F) Planning, evaluation, and technology improvement programs.



- (G) Crime victim and witness programs (other than compensation).
- (H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.
- (I) Implementation of State crisis intervention court proceedings and related programs or initiatives, including but not limited to—
  - (i) mental health courts;
  - (ii) drug courts;
  - (iii) veterans courts; and
  - (iv) extreme risk protection order programs.

#### DOJ Community Oriented Policing Services (COPS) Technology & Equipment:

- *Projects that apply to this account must have a Federal nexus as laid out in section 1701(b)(8) of the Omnibus Crime Control and Safe Streets Act of 1968 ([34 U.S.C. § 10381\(b\)\(8\)](#)).*
  - Eligible activities include developing new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State, tribal, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and training law enforcement officers to use such technologies.

#### NASA Safety, Security and Mission Services:

- *Projects that apply to this account must have a Federal nexus as laid out in section [20102 of title 51, United States Code](#).*
  - Projects should focus on science, education, research, and technology development related to NASA's mission.
  - The [aeronautical and space activities](#) of the United States shall be conducted so as to contribute materially to one or more of the following objectives:
    - The expansion of human knowledge of the Earth and of phenomena in the atmosphere and space.
    - The improvement of the usefulness, performance, speed, safety, and efficiency of [aeronautical and space vehicles](#).
    - The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space.
    - The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of [aeronautical and space activities](#) for peaceful and scientific purposes.
    - The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere.
    - The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary [aeronautical and space activities](#), of information as to discoveries which have value or significance to that agency.
    - Cooperation by the United States with other nations and groups of nations in work done pursuant to this chapter and in the peaceful application of the results thereof.



- The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.
- The preservation of the United States preeminent position in aeronautics and space through research and technology development related to associated manufacturing processes.
- The search for life's origin, evolution, distribution, and future in the universe.

### Army Corps of Engineers (Civil Works) & Bureau of Reclamation - Water and Related Resources:

Please contact the relevant Corps of Engineers District Office or Bureau of Reclamation Regional Office to about the project of interest prior to applying. Only authorized projects will be eligible.

- Projects only in accordance with existing authorizations
  - Serve the public by providing quality, responsive service to the Nation
  - Development and management of the Nation's water resources
  - Support of commercial navigation
  - Restoration, protection and management of aquatic ecosystems
  - Flood risk management
  - Engineering and technical services in an environmentally sustainable, economic, and technically sound manner with a focus on public safety and collaborative partnerships

### Pre Disaster Mitigation Grants:

- *Projects that apply to this account must have a Federal nexus as laid out in section 203 of the Stafford Act ([42 U.S.C. 5133](#)), as amended by Section 1234, National Public Infrastructure Pre-Disaster Hazard Mitigation, of the Disaster Recovery Reform Act (DRRA) of 2018.*
  - Eligible activities include the implementation of pre-disaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

### Emergency Operations Center Grants:

- *Projects that apply to this account must have a Federal nexus as laid out in section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. 5196c](#)), as amended by section 202 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act).*
  - Eligible activities include equipping, upgrading, and constructing State, local, and Tribal emergency operations centers.

### EPA State and Tribal Assistance Grants:

- *Projects that apply to this account must have a Federal nexus as laid out in Title VI of the Clean Water Act, [33 U.S.C 1381](#) et seq. [Clean Water Projects].* **OR**
  - The amounts of funds available to each [State](#) water [pollution](#) control revolving fund shall be used only for providing financial assistance—
    - To any [municipality](#) or inter-municipal, interstate, or [State](#) agency for the construction of publicly owned [treatment works](#) (as defined in [section 1292 of this title](#));



- For the implementation of a management program established under [section 1329 of this title](#);
  - For the development and implementation of a conservation and management plan under [section 1330 of this title](#);
  - For the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;
  - For measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;
  - To any [municipality](#) or inter-municipal, interstate, or [State](#) agency for measures to reduce the demand for publicly owned [treatment works](#) capacity through water conservation, efficiency, or reuse;
  - For the development and implementation of watershed projects meeting the criteria set forth in [section 1274 of this title](#);
  - To any [municipality](#) or inter-municipal, interstate, or [State](#) agency for measures to reduce the energy consumption needs for publicly owned [treatment works](#);
  - For reusing or recycling wastewater, stormwater, or subsurface drainage water;
  - For measures to increase the security of publicly owned [treatment works](#);
  - To any qualified nonprofit entity, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned [treatment works](#)—
    - to plan, develop, and obtain financing for eligible projects under this subsection, including planning, design, and associated preconstruction activities; and
  - To assist such [treatment works](#) in achieving compliance with this chapter; and
- *Projects that apply to this account must have a Federal nexus as laid out in Section 1452 of the Safe Drinking Water Act, [42 U.S.C. 300j-12](#). [Drinking Water Projects].*
- Eligible activities include expenditures for planning, design, siting, and associated preconstruction activities, or for replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, but not including monitoring, operation, and maintenance expenditures) of a type or category which the Administrator has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to the system under [section 300g-1 of this title](#) or otherwise significantly further the health protection objectives of this subchapter.
  - Funds may also be provided to a system referred to in [section 300f\(4\)\(B\) of this title](#) for the purpose of providing the treatment described in [section 300f\(4\)\(B\)\(i\)\(III\) of this title](#).
  - Water treatment loans: Funds may also be used to provide loans to a system referred to in [section 300f\(4\)\(B\) of this title](#) for the purpose of providing the treatment described in [section 300f\(4\)\(B\)\(i\)\(III\) of this title](#).
  - Acquisition of real property: Funds under this section shall not be used for the acquisition of real property or interests therein, unless the acquisition is integral to a project authorized by this paragraph and the purchase is from a willing seller.
  - Emerging contaminants: Activities include addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.
  - Limitation: Except as provided in subparagraph (B), no assistance under this section shall be provided to a public water system that-
    - (i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this subchapter; or



- (ii) is in significant noncompliance with any requirement of a national primary drinking water regulation or variance.

### Economic Development Initiative (EDI):

- *Projects that apply to this account must have a Federal nexus as laid out in the following sections of U.S. Code:*
  - **42 U.S.C. 5305(a)(1)**: The acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this chapter; or (E) to be used for other public purposes;
  - **42 U.S.C. 5305(a)(2)**: The acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;
  - **42 U.S.C. 5305(a)(4)**: Clearance, demolition, removal, reconstruction, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation, of privately owned properties, and including the renovation of closed school buildings);
  - **42 U.S.C. 5305(a)(5)**: Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons.

### Transit Infrastructure Projects:

- *Projects that apply to this account must have a Federal nexus as laid out in [chapter 53 of title 49 of the United States Code](#). Please click on the link and read it carefully.*

### Highway Infrastructure Projects:

- *Projects that apply to this account must have a Federal nexus as laid out in the following sections of U.S. Code:*
  - **23 USC 133**. **Eligible projects.**--Funds apportioned to a State under section 104(b)(2) for the surface transportation block grant program may be obligated for the following:
    - **(1)** Construction of—
      - **(A)** highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under [section 14501 of title 40](#);



- **(B)** ferry boats and terminal facilities eligible for funding under [section 129\(c\)](#);
  - **(C)** transit capital projects eligible for assistance under chapter 53 of title 49;
  - **(D)** infrastructure-based intelligent transportation systems capital improvements, including the installation of vehicle-to-infrastructure communication equipment;
  - **(E)** truck parking facilities eligible for funding under section 1401 of MAP-21 ([23 U.S.C. 137](#) note); and
  - **(F)** border infrastructure projects eligible for funding under section 1303 of SAFETEA-LU ([23 U.S.C. 101](#) note).
- **(2)** Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.
  - **(3)** Environmental measures eligible under [sections 119\(g\), 328, and 329](#) and transportation control measures listed in [section 108\(f\)\(1\)\(A\)](#) (other than clause (xvi) of that section) of the Clean Air Act ([42 U.S.C. 7408\(f\)\(1\)\(A\)](#)).
  - **(4)** Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings.
  - **(5)** Fringe and corridor parking facilities and programs in accordance with [section 137](#) and carpool projects in accordance with [section 146](#).
  - **(6)** Recreational trails projects eligible for funding under [section 206](#), pedestrian and bicycle projects in accordance with [section 217](#) (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 ([42 U.S.C. 12101 et seq.](#))), and the safe routes to school program under section 1404 of SAFETEA-LU ([23 U.S.C. 402](#) note).
  - **(7)** Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
  - **(8)** Development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads.
  - **(9)** Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.
  - **(10)** Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.
  - **(11)** Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.
  - **(12)** Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.
  - **(13)** At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.
  - **(14)** The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to



unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

- **(15)** Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under [section 101\(a\)\(29\)](#) as in effect on such day.
- **Location of projects.**--A surface transportation block grant project may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—
  - **(1)** for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);
  - **(2)** for a project described in paragraphs (4) through (11) of subsection (b);
  - **(3)** for a project described in [section 101\(a\)\(29\)](#), as in effect on the day before the date of enactment of the FAST Act.
- **[23 USC 201:](#)** Recognizing the need for all public Federal and tribal transportation facilities to be treated under uniform policies similar to the policies that apply to Federal-aid highways and other public transportation facilities, the Secretary of Transportation, in collaboration with the Secretaries of the appropriate Federal land management agencies, shall coordinate a uniform policy for all public Federal and tribal transportation facilities that shall apply to Federal lands transportation facilities, tribal transportation facilities, and Federal lands access transportation facilities.
- **[23 USC 202:](#)** Eligible activities include:
  - Transportation planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of tribal transportation facilities;
  - Adjacent vehicular parking areas;
  - Interpretive signage;
  - Acquisition of necessary scenic easements and scenic or historic sites;
  - Provisions for pedestrians and bicycles;
  - Environmental mitigation in or adjacent to tribal land—
    - to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and
    - to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;
      - construction and reconstruction of roadside rest areas, including sanitary and water facilities.
  - Operation and maintenance of transit programs and facilities that are located on, or provide access to, tribal land, or are administered by a tribal government; and
  - Any transportation project eligible for assistance under this title that is located within, or that provides access to, tribal land, or is associated with a tribal government.
- **[23 USC 165:](#)** Funds may be used only for the following [projects](#) and activities carried out in a territory:
  - Eligible surface transportation block grant program [projects](#) described in section 133(b).



- Cost-effective, preventive **maintenance** consistent with section 116(e).
- Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.
- Engineering and economic surveys and investigations for the planning and financing of future **highway** programs.
- Studies of the economy, safety, and convenience of **highway** use.
- The regulation and equitable taxation of **highway** use.
- Such research and development as are necessary in connection with the planning, design, and **maintenance** of the **highway** system.

#### Airport Improvement Program (AIP):

- *Projects that apply to this account must have a Federal nexus as laid out in [49 U.S.C. 47100 et seq.](#) Please click on the link and read it carefully.*

#### Consolidated Rail Infrastructure and Safety Improvements (CRISI):

- *Projects that apply to this account must have a Federal nexus as laid out in section 22907 of title 49 of the United States Code.*
  - Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.
  - A **capital project** as defined in section 22901(2), except that a project shall not be required to be in a State rail plan developed under chapter 227.
  - A **capital project** identified by the Secretary as being necessary to address congestion or safety challenges affecting rail service.
  - A **capital project** identified by the Secretary as being necessary to reduce congestion and facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors.
  - A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies, highway traffic signalization, highway lighting and crossing approach signage, roadway improvements such as medians or other barriers, railroad crossing panels and surfaces, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.
  - A rail line relocation or improvement project.
  - A **capital project** to improve short-line or regional railroad infrastructure.
  - The preparation of regional rail and corridor service development plans and corresponding environmental analyses.
  - Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service or commercial air service.
  - The development and implementation of a safety program or institute designed to improve rail safety.
  - The development and implementation of measures to prevent trespassing and reduce associated injuries and fatalities.
  - Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.
  - Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.



- Research, development, and testing to advance and facilitate innovative rail projects, including projects using electromagnetic guideways in an enclosure in a very low-pressure environment.
- The preparation of emergency plans for communities through which hazardous materials are transported by rail.
- Rehabilitating, remanufacturing, procuring, or overhauling locomotives, provided that such activities result in a significant reduction of emissions.